

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.12210 of 2011

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed by the petitioner seeking to quash the proceedings against him in P.R.C.No.29 of 2011 on the file of I Additional Judicial Magistrate of First Class, Mancherial, registered for the offence punishable under Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1899.

2. Heard learned counsel for the petitioner and the learned Public Prosecutor appearing for the State.

3. Learned counsel for the petitioner submits that the *de facto* complainant has filed a false complaint against the petitioner stating that the petitioner has abused him in filthy language. He also submits that the petitioner addressed a letter to the District Collector, Adilabad, on 27.04.2011 bringing to the notice of the Commissioner that the *de facto* complainant, some of the citizens and political leaders of SC Community entered into his Chambers and used filthy language and warned him. He further submits that absolutely it is a false complaint and filed in view of rejection of tender of the *de facto* complainant.

4. Be that as it may, it is not mentioned in the petition that the petitioner does not belong to Scheduled Caste or Scheduled Tribe community.

5. Learned counsel for the petitioner relies on a judgment of this Court in ***Parsa Somaiah and others Vs. State of Andhra Pradesh and another***¹, which is to the effect that when a civil suit is pending, there is every possibility for the accused being implicated in a case and, hence, the Court has to scrutinize allegation with great care and circumspection. It was further held therein that unless the utterances in the name of caste are made with an intention to humiliate or intimidate persons belonging to Schedule Caste/Tribe, in public view, offence punishable under Section 3(1)(x) will not be attracted.

6. The Supreme Court in ***Gorige Pentaiah Vs. State of Andhra Pradesh***² held at Para 6 as under:

“6. In the instant case, the allegation of respondent No.3 in the entire complaint is that on 27.5.2004, the appellant abused them with the name of their caste. According to the basic ingredients of [Section 3\(1\)\(x\)](#) of the Act, the complainant ought to have alleged that the accused-appellant was not a member of the Scheduled Caste or a Scheduled Tribe and he (respondent No.3) was intentionally insulted or intimidated by the accused with intent to humiliate in a place within public view. In the entire complaint, nowhere it is mentioned that the accused-appellant was not a member of the Scheduled Caste or a Scheduled Tribe and he intentionally insulted or intimidated with intent to humiliate respondent No. 3 in a place within public view. When the basic ingredients of the offence are missing in the complaint, then permitting such a complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law.”

¹ 2015 (1) ALD (CrI.) 143

² (2008) 12 SCC 531

7. In this case also there is no such averment in the complaint. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would only be an abuse of process of law.

8. Accordingly, the Criminal Petition is allowed and all further proceedings against the petitioner in P.R.C.No.29 of 2011 on the file of I Additional Judicial Magistrate of First Class, Mancherial, are hereby quashed.

Miscellaneous petition, if any, pending in this petition shall stand closed.

OCTOBER 08, 2018
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T. RAJANI, J

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Date:08.10.2018

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